

The Applicants wish to note that the filing of the enclosed terminal disclaimer in compliance with 37 CFR § 1.321(c) is not an admission to the propriety of the rejection. M.P.E.P. § 804.02 (7th Ed. July 1998); Quad Environmental Technologies Corp. v. Union Sanitary District, 20 USPQ.2d. 1392 (Fed. Cir. 1991). As stated by the Federal Circuit in the Quad Environmental Technologies decision, the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

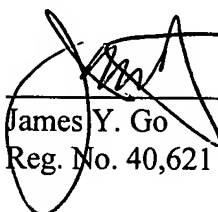
Therefore, the Applicants respectfully submit that the presently claimed invention is in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee due in this matter.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 11-9-04


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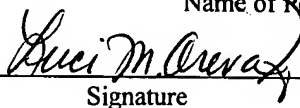
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on: November 9, 2004

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